

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

KYLE JIGGETTS,

Plaintiff,

- against -

THE CITY OF NEW YORK, et al.,

Defendants.

**REPORT AND
RECOMMENDATION**

09 Civ. 3752 (JSR) (RLE)

To the HONORABLE JED S. RAKOFF, U.S.D.J.:

On April 13, 2009, *pro se* Plaintiff Kyle Jiggetts filed the instant Complaint, naming as Defendants the City of New York, Local 32BJ, Allied International Union, and AlliedBarton Security Services. (Doc. No. 2.) On May 14, 2009, at a conference before the undersigned in another case including many of the same parties, the matter of this Complaint was raised. After being informed that the matter did not appear to meet federal jurisdictional requirements, Jiggetts indicated that he would “hold off” serving this Complaint and work to resolve his dispute with his employer and insurer. To date, Jiggetts has not served this Complaint and his time to serve has expired. Therefore, I recommend that this case be **DISMISSED, without prejudice**, for failure to prosecute.

Pursuant to Rule 72, Federal Rules of Civil Procedure, the parties shall have ten (10) days after being served with a copy of the recommended disposition to file written objections to this Report and Recommendation. Such objections shall be filed with the Clerk of the Court and served on all adversaries, with extra copies delivered to the chambers of the Honorable Jed S. Rakoff, 500 Pearl Street, Room 1340, and to the chambers of the undersigned, Room 1970. Failure to file timely objections shall constitute a waiver of those objections both in the District

Court and on later appeal to the United States Court of Appeals. *See Thomas v. Arn*, 474 U.S. 140, 150 (1985); *Small v. Sec'y of Health & Human Servs.*, 892 F.2d 15, 16 (2d Cir. 1989) (*per curiam*); 28 U.S.C. § 636(b)(1) (West Supp. 1995); FED. R. CIV. P. 72, 6(a), 6(d).

DATED: August 24, 2009
New York, New York

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Ronald L. Ellis", written over a horizontal line.

The Honorable Ronald L. Ellis
United States Magistrate Judge

Copies of this Report and Recommendation were sent to:

Pro Se Plaintiff
Kyle Jiggetts
1595 Unionport Road, #9D
Bronx, NY 10462